

**REMARKS**

Applicant thanks the Examiner for withdrawing the finality of the Action dated July 17, 2007.

Claims 1-2, 4, 7, 8 and 10 stand rejected under 35 U.S.C. 103(a) as obvious over Bastioli in view of Knight. The Examiner alleges that applying Knight's electret treatment to Bastioli's polyester mixture would result in the claimed invention. Applicant respectfully traverses this rejection.

Applicant has amended claims 1 and 7 to recite an electret filter medium "wherein the electret filter medium uses only an L-lactic acid unit, a D-lactic acid unit, or both, as polymerization materials." Bastioli fails to disclose or suggest the claimed filter medium. Bastioli's polyester mixture is at most 30% by weight polylactic acid and at least 40-70% by weight polyhydroxy acid or aliphatic polyester (Bastioli, Abstract). Thus, Bastioli's polyester mixture is very different in chemical composition from the claimed filter medium, and applying Knight's electret treatment to Bastioli's polyester mixture would not result in the claimed invention. Accordingly, the claimed electret filter medium would not have been obvious in view of Bastioli and Knight, and this rejection should be withdrawn.

Furthermore, with respect to claim 2, the Examiner alleges that applying Knight's electret treatment to Bastioli's polyester mixture would "inherently" result in an electret filter medium that produces an endotherm of at least 0.5 J/g accompanied with crystal fusion as claimed. Applicant respectfully traverses this rejection.

Claim 2 recites an electret filter medium which "consists essentially of the lactic acid polymer." As stated above, Bastioli does not disclose or suggest a filter medium that consists essentially of a lactic acid polymer as claimed. Since only at most 30% of Bastioli's polyester mixture is a lactic acid polymer, it would be unreasonable to assume the heat of crystal fusion of Bastioli's polyester mixture to be the same as that of the claimed electret filter medium.

Accordingly, the inherency argument fails, and this provides yet another reason for withdrawing this rejection from claim 2.

Claims 5 and 11 stand rejected under 35 U.S.C. 103(a) as obvious over Bastioli in view of Knight and further in view of Raetzsuch. As stated above, Bastioli and Knight fails to disclose or suggest a filter medium that uses only an L-lactic acid unit, a D-lactic acid unit, or both, as polymerization materials as recited in claims 1 and 7. Raetzsuch also fails to disclose or suggest the claimed filter medium. Since claims 5 and 11 depend from claims 1 and 7, this rejection should be withdrawn.

In addition, claims 5 and 11 recite an electret filter medium which consists essentially of a lactic acid polymer and a nucleating agent, the nucleating agent content being 0.01 to 0.3 parts by weight per 100 parts by weight of the lactic acid polymer. Page 11, lines 10-14, of the specification states that the claimed nucleating agent concentration significantly improves the electret property of the resulting electret filter medium. This improvement in the electret property is not disclosed or suggested in any of the cited references. Accordingly, it would not have been obvious for a person of ordinary skill in the art to arrive at the claimed nucleating agent concentration, and this rejection should be withdrawn for this additional reason.

Claims 6 and 12 stand rejected under 35 U.S.C. 103(a) as obvious over Bastioli in view of Knight and further in view of Angadjivand. As stated above, Bastioli and Knight fail to disclose or suggest a filter medium that uses only an L-lactic acid unit, a D-lactic acid unit, or both, as polymerization materials as claimed. Since Anagadjivand also fails to disclose or suggest the claimed filter medium, none of the cited references discloses or suggests the claimed filter medium. Accordingly, this rejection should be withdrawn.


Finally, Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as obvious over Bastioli in view of Knight and further in view of Gruber. Since these claims were canceled, this rejection is now moot.

In view of the above, each of the claims in this application is in condition for allowance. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 427972000600.

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Respectfully submitted,

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